

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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|--------------------------------------|---|-------------------------------------|
| JOHN W. RIVERS, | : | CIVIL ACTION NO. 3:20-CV-246 |
| | : | |
| Plaintiff | : | (Judge Conner) |
| | : | |
| v. | : | |
| | : | |
| BOROUGH OF OLYPHANT and | : | |
| JAMES DEVOE, individually and | : | |
| in his official capacity, | : | |
| | : | |
| Defendants | : | |

ORDER

AND NOW, this 30th day of June, 2021, upon consideration of defendants' motion (Doc. 27) to dismiss plaintiff's amended complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), and the parties' briefs in support of and in opposition thereto, and for the reasons set forth in the accompanying memorandum, it is hereby ORDERED that:

1. Defendants' motion (Doc. 27) to dismiss is GRANTED.
2. Plaintiff's amended complaint (Doc. 26) is DISMISSED without further leave to amend.
3. Defendant's motion (Doc. 38) for summary judgment is DENIED as moot.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania